



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------------|-------------|----------------------|-----------------------------|------------------|
| 10/797,062 | 03/11/2004 | Junya Yada | Q80290 | 4704 |
| 23373 | 7590 | 03/04/2008 | | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | EXAMINER WORKU, NEGUSSIE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2625 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 03/04/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,062

Applicant(s)

YADA ET AL.

Examiner

NEGUSSIE WORKU

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims, 1-15 are drawn to controlling mage processing apparatus, classified in class, 382 subclass 274.
- II. Claims 1-28, drawn to, controlling printing device classified in class 358, subclass 1.15.
- III. Claims 29-33, drawn to, image read and processing circuitry classified in class 348, subclass 366, 372.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions Groups I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different function, or different effects (MPEP806.04, MPEP 808.01). In the instant case, the different invention are Groups I, II and III.

Group I involves an image processor accepting input of image data and carrying out processing on the image data; and a controller controlling the scanner and the processor, and carrying out operations in accordance with any of one or more operational modes including a first operational mode; wherein the controller, when carrying out operations in accordance with the first operational mode, controls the scanner so as to cause the scanner to establish the scan region such that the scan

region matches or is larger than a copy subject region at the original stage and such that the copy subject region is encompassed by the scan region; and controls the image processor so as to cause the image processor to accept input from the scanner of image data corresponding to the scan region and to output enlarged image data obtained by enlarging, so as to be larger than a dimension or dimensions of the print medium in either a horizontal direction or a vertical direction or in both a horizontal direction and a vertical direction, image data corresponding to the copy subject region that is encompassed by image data corresponding to the scan region.

Group II, involves a scanner establishing at least one scan region at the original stage, scanning the scan region established at the original stage, and outputting image data corresponding to the scan region; an image processor accepting input of image data, carrying out processing on the input image data, and outputting processed image data; and a controller controlling the scanner and the processor, and carrying out operations in accordance with any of one or more operational modes including a first operational mode; wherein the controller, when carrying out operations in accordance with the first operational mode, controls the scanner so as to cause the scanner to establish the scan region such that the scan region is smaller than a copy subject region at the original stage and such that the scan region is encompassed by the copy subject region; and controls the image processor so as to cause the image processor to accept input of image data corresponding to the scan region and output by the scanner, and to output enlarged image data obtained by enlarging, so as to be larger than a size of the print medium, image data corresponding to the scan region.

Group III, involves a scanner scanning at least one scan region at the original stage and outputting image data corresponding to the scan region; an image processor processing image data corresponding to the scan region from the scanner, creating print image data, and outputting the print image data; and a controller selecting any mode from among at least two of a plurality of varieties of copy modes including a normal copy mode, a borderless copy mode, and a unity magnification copy mode, and controlling the image processor in correspondence to the selected mode; wherein the controller (1) when the normal copy mode is selected: controls the image processor so as to cause the print image data to be smaller than dimensions of the print medium in both a horizontal direction and a vertical direction; (2) when the borderless copy mode is selected: controls the image processor so as to cause the print image data to be larger than a dimension or dimensions of the print medium in either a horizontal direction or a vertical direction or in both a horizontal direction and a vertical direction; and (3) when the unity magnification copy mode is selected: controls the image processor so as to cause a size of the print image data to be the same as a size of image data corresponding to the scan region.

3. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply: (a) the inventions have acquired a separate status in the art in view of their different classification; (b) the inventions have acquired a separate status in the art due to their recognized divergent

subject matter;(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries); (d) the prior art applicable to one invention would not likely be applicable to another invention;(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition less than 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is

Art Unit: 2625

the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Negussie Worku
Examiner
Art Unit 2625